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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,921	02/25/2005	Steven Brian Rosker	PU020400	2811
24498 7590 10/03/2007 JOSEPH J. LAKS, VICE PRESIDENT THOMSON LICENSING LLC PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			EXAMINER LO, KENNETH M	
			ART UNIT 2188	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/525,921

Applicant(s)

ROSKER ET AL.

Examiner

Kenneth M. Lo

Art Unit

2188

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-16.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


HYUNG SOUNG
SUPERVISORY PATENT EXAMINER
10/01/07

Continuation of 11. does NOT place the application in condition for allowance because: Response from Final Office Action mailed 07/18/2007 are included herein.

Applicant states "Chiou fails to suggest or render obvious the feature of reducing writing to a storage mechanism in accordance with the read and write load on the storage mechanism. The Chiou system is dynamic in that several hosts may write to a storage device simultaneously. Thus, simply writing to the main storage after the caches are updated with respect to one host does not necessarily reduce writing on the storage device: as other hosts may write data to the storage device during that time period." The Applicant's disclosure states that when a user edits content for subsequent use by others that data must be trickled up to the storage server. As the claims do not contain any identifier of data type, it can be interpreted that all data is of the 'trickle-up' required type. Additionally the Applicant's disclosure is silent about whether any other data is never transferred during a trickle up or discarded. Chiou's system discloses that there may be one or more hosts accessing the storage device.

Applicant states "Simply configuring a system to update its caches before writing data to its main storage would not be interpreted by one of ordinary skill in the art as 'reducing writing to the storage mechanism' because, as stated above, in such a Configuration, the storage system services all write requests and does not ensure that writing to the storage unit is reduced over any time interval." A specific time interval for reducing writing to the storage mechanism is not mentioned in the claims. All data in the Applicant's claims can be interpreted to be written to the storage mechanism also, as per above. It would be within the knowledge of one of ordinary skill in the art to interpret Applicant's claims and specification to conclude that all data is 'trickled' to the storage mechanism and therefore, reducing writing would identify a period of time when the writing is reduced, which Chiou discloses.

Applicant states "As stated above, the examiner asserts that the Chiou system reduces writing to a storage device in the critical coherent mode. However, Chiou teaches that a user should select the coherency mode based upon the type of files stored." Applicant's claim states "in accordance with the storage mechanism read and write loading". Chiou clearly discloses, where the user selects the mode based on the type of application the invention will be used it within based on the importance to prevent "static reads" versus "critical write" which are functions of read and write loading. Applicant's claims do not require the storage access manager to automatically and selectively chose to reduce writing, but rather that based on read write loading, include controlling the writing directors to reduce writing. Chiou discloses this by having the user select the mode based on the storage mechanism read and writing loading. Should the applicant believe that the storage mechanism access manager monitors and actively chooses without user intervention to reduce writing, the claims should state this accordingly, and the enablement of such be pointed out to the Examiner.

Applicant states "As stated in the response to the Office Action elated March 27, 2007. the three beats of fillet data disclosed in Tremblay are used merely to follow the general format or" having total four beats of data in a memory store instruction. The filler data is not used as a substitute for real data. The data in the store pair instruction is complete before the addition of filler data. Thus, the filler data is not used in lieu of missin~ or unavailable data. Accordingly, the filler clala employed in Tremblay does not substitute real data." Tremblay uses the filler beats to "follow the general format" or substitute filler data for real data so the format is maintained. "The invention, however, may be applied to other types of memory access instructions, such as instructions to write more than one beat of data in main memory, instructions to write data to the cache memory, and instructions to read data." Paragraph 0026. The format has beats available if the instruction can write more than one beat, but uses filler data when such beats are unavailable for the current instruction.